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OFFICE OF PETITIONS

In re Application of
Kevin R. Boyle, et al.
Application No. 10/523,429
Filed: January 28, 2005
Attorney Docket No. GB 020122

ON PETITION

This is a decision in response to the renewed petition, filed July 25, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed July 3, 2006. On February 12, 2008 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed by a decision mailed June 12, 2008. In response, on July 25, 2008, the present petition was filed.

The petition is not signed by an attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Michael J. Ure appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

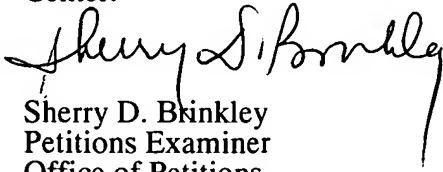
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay¹.

Since, no extension of time fees are due on a petition for revival, the \$1,050 extension fees included with petition on February 18, 2008 are being refunded to counsel's deposit account as requested.

The application is being referred to Technology Center AU 2618 for appropriate action by the Examiner in the normal course of business on the reply received July 25 2008.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with a long vertical stroke extending downwards from the end of the name.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions